

c. Remarks

AMENDMENTS

Applicants have amended claims 1 and 13 to more clearly recite the claimed inventions.

The amendment to claim 1 is, e.g., supported at Figures 1C – 1E and 3 and between page 6, line 29, and page 7, line 2.

The amendment to claim 13 is, e.g., supported at Figures 4, 3, and 1C and page 11, lines 3 – 25; page 9, lines 23 – 25; and between page 6, line 29, and page 7, line 2.

REJECTIONS

At page 2, the Office Action rejects claims 1-21 as anticipated under 35 U.S.C. 102 by Takahashi (i.e., U.S. Patent 4,916,534).

Amended claims 1 and 13 recite that the compound GRIN lens includes first and second serially coupled GRIN lenses of different pitch. The Office Action cites one or more of col. 2, lines 6 – 19; col. 3, lines 16 – 20; col. 4, lines 31 – 46; col. 9, lines 47 – 65; and col. 10, lines 25 – 42 and 54 – 65, of Takahashi as teaching properties of GRIN lenses relevant to the 35 U.S.C. 102 rejections. These portions of Takahashi do not teach the above-recited feature of amended claims 1 and 13 as discussed below.

At col. 2, lines 6 – 19, rather than a “GRIN lens”, Takahashi discloses an “objective optical system”. Takahashi’s Fig. 1 shows an objective optical system, see col. 1, lines 45 – 47, but the objective optical system has a lens (1) with “curved surfaces”. The curved surfaces suggest a standard refractive lens rather than GRIN lenses as recited in claims 1 and 13.

At col. 3, lines 16 – 20, Takahashi discloses an objective optical system, but does not disclose a “GRIN” lens as in amended claims 1 and 13.

At col. 4, lines 31 – 46, Takahashi does not disclose a “GRIN lens” as in amended claims 1 and 13. While this part of Takahashi does recite an image forming lens (1), Takahashi do not describe the lens (1) as a “GRIN lens”. Instead, this part of Takahashi describes Figure 4A, which shows lens (1) as having “curved surfaces”. The curved

surfaces suggest that lens (1) is a standard refractive lens rather than a GRIN lens as in claims 1 and 13.

At col. 9, lines 47 – 65, Takahashi does not recite a “compound GRIN lens including first and second serially coupled GRIN lenses of different pitch” as in amended claims 1 and 13. In particular, this part of Takahashi does not disclose serially coupling two GRIN lenses with different pitches as recited in claims 1 and 13.

At col. 10, lines 25 - 42, Takahashi may disclose an image forming lens (1), but does not disclose a “GRIN” lens as in amended claims 1 and 13. This part of Takahashi describes Figure 20, which shows lens (1) as having “curved surfaces” thereby suggesting a standard refractive lens rather than GRIN lenses as in claims 1 and 13.

At col. 10, lines 54 – 65, Takahashi discloses a lens (45) of Fig. 22A, but Fig. 22A shows lens (45) as having curved surfaces. This suggests an ordinary refractive lens rather than a GRIN lens as recited in amended claims 1 and 13.

Since no teaching has been provided for a “compound GRIN lens including first and second serially coupled GRIN lenses of different pitch”, claims 1 and 13 are novel over Takahashi as applied in the Office Action. For this reason, anticipation rejections of independent claims 1 and 13 should be withdrawn.

Dependent claims 2 – 12 and 14 – 21 are novel over Takahashi, at least, by their dependence on either amended claim 1 or amended claim 13.

At page 3, the Office Action rejects claims 1-21 as obvious over Takahashi combined with Reed (i.e., US. Patent 6,542,665).

In the obviousness rejection, the Office Action must rely on Reed as 35 U.S.C. 102(e) prior art, because Reed was neither issued nor published prior to the Feb. 25, 2002 filing date of the current application.

By 35 USC 103(c),

“[S]ubject matter ..., which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 ..., shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person....

The subject matter of Reed and inventions of the current application were at the time of filing of the current application owned the same person. In particular, ownership of Reed

was transferred to Lucent Technologies, Inc. by an assignment recorded in the USPTO at Reel/Frame: 011971/0804 on June 29, 2001. Also, ownership of the current application was transferred to Lucent Technologies, Inc. by an assignment recorded in the USPTO at Reel/Frame: 013176/0556 on February 25, 2002. In light of these facts, basing a 35 U.S.C. 103(a) rejection on Reed is improper.

For the above reasons, Applicants request that the obviousness rejections of claims 1 – 21 be withdrawn.

CONCLUSION

For the above reasons, Applicants respectfully requests allowance of claims 1 – 21 as presently amended.

In the event of any non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit Lucent Technologies Deposit Account No. 12-2325 as required to correct the error.

Respectfully,



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Date: April 18, 2005

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